

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DEC - 4 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules)
To Ensure Compatibility with)
Enhanced 911 Emergency Calling Systems)

CC Docket No. 94-102
RM-8143

To: Chief, Wireless Telecommunications Bureau

**PETITION FOR WAIVER OF
CENTENNIAL CELLULAR CORP.**

Centennial Cellular Corp. ("Centennial"), on behalf of its PCS subsidiary Centennial Wireless PCS License Corp. and through its attorneys, seeks an extension of the January 1, 1999 compliance date for implementation of the TTY requirements of §20.18(c) of the Commission's Rules. This petition is filed pursuant to Section 24.819(a) of the Commission's Rules and in accordance with the Order adopted by the FCC on November 13, 1998.¹

I. BACKGROUND

A. Petitioner

Centennial provides broadband Personal Communications Services ("PCS") in Puerto Rico. Specifically, Centennial is the B Block PCS licensee for the Puerto Rico MTA and has provided broadband PCS service in Puerto Rico since December 1996. As such, Centennial is a digital wireless service provider.

¹ In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Order*, CC Docket No. 94-102, DA 98-2323 (released November 13, 1998) (the "*November 13 Order*").

B. TTY Access to 911 Services.

Section 20.18(c) of the Commission's rules requires that, as of October 1, 1997, PCS licenses must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY). In a reconsideration order adopted on December 1, 1997, the Commission suspended enforcement of this requirement until October 1, 1998.² In the *November 13 Order*, the suspension of enforcement was further extended until December 31, 1998.

II. REQUEST FOR WAIVER

The *November 13 Order* establishes a waiver process for carriers seeking a waiver of the January 1, 1999 TTY compliance deadline. Waiver petitions must be filed on or before December 4, 1998 to become effective on January 1, 1999. Centennial submits this waiver petition in accordance with the *November 13 Order*. As explained below, waiver is also justified under Section 24.819(a) of the rules.

Centennial, like many other digital PCS and cellular licensees, has been working with and monitoring the efforts of its CDMA equipment manufacturer, Lucent Technologies, regarding the development of voice-based and data-based solutions to the problems associated with TTY access over digital wireless systems. Centennial has conveyed to Lucent its commitment and need to comply with the TTY access requirements of Section 20.18(c) of the rules. Furthermore, Centennial commits to the Commission that when an industry solution to

² In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Reconsideration Order*, FCC 97-402, 12 FCC Rcd 22665 (1997) .

the TTY access issue is developed, Centennial will incorporate that solution into its Puerto Rico wireless system as soon as is reasonably possible. In order to respond to the specific questions posed by the Commission in paragraph 11 of its November 13 Order, Centennial asked Lucent to provide it with an assessment of where Lucent's technology stands, from a TTY access compliance standpoint. The attached response from Lucent responds to the Commission's three questions necessary to justify a waiver.³

However, given the fact that presently, compliance with this rule is impossible for virtually the entire digital wireless industry, waiver is also justified under the FCC's general broadband PCS waiver rule. Specifically, under Section 24.819(a) of the rules, waivers may be granted upon request by the PCS licensee or by the Commission on its own motion.

Further, "[w]aivers will not be granted except upon an affirmative showing:

- (i) That the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and that grant of the waiver is otherwise in the public interest; or
- (ii) That the unique facts and circumstances of a particular case render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest. Applicants must also show the lack of a reasonable alternative.⁴

Finally, the rule also provides that if "the information necessary to support a waiver request is already on file, the applicant may cross-reference to the specific filing where it may be found."⁵

In the present situation, a waiver of the Section 20.18(c) TTY requirement is justified not only for Centennial but the entire digital wireless service provider industry until such time

³ See Attachment A.

⁴ 47 C.F.R. § 24.819(a)(1).

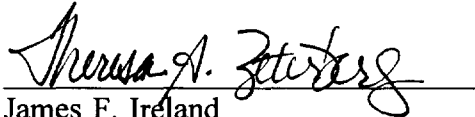
⁵ 47 C.F.R. § 24.819(a)(2).

as a voice-based or data-based solution to TTY access is developed for digital wireless carriers. Centennial clearly is entitled to a waiver of the Section 20.18(c) requirement under the Section 24.819(a)(1)(ii) test that application of the rule here would be unduly burdensome since a technical solution to this industry-wide problem has not been developed. Furthermore, due to the fact TTY access is still an industry-wide problem, Centennial has no reasonable alternative other than to seek a waiver of this rule. Finally, Centennial also notes that the most current and complete information concerning industry TTY access implementation timetables already is on file with the Commission (i.e., the October 30, 1998 Workplan of the Wireless TTY Forum). Therefore, the Commission already has sufficient information upon which it can assess whether an industry-wide waiver is justified.

III. CONCLUSION

For the reasons set forth above, Centennial requests that the Commission grant this Petition for Waiver.

Respectfully submitted,
CENTENNIAL CELLULAR CORP.

By: 
James F. Ireland
Theresa A. Zeterberg
Its Attorneys

COLE, RAYWID & BRAVERMAN, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006

(202) 659-9750

December 4, 1998

ATTACHMENT A

This letter is in response to your request for information regarding Text Telephone Devices (TTY) compatibility for Lucent Technologies' Autoplex System 1000 wireless system. Lucent has actively participated in industry and consumer forums focusing on the compatibility of Text Telephone Device (TTY) signals and digital wireless systems and has developed promising strategies to solve this difficult problem. Lucent also has closely followed the Federal Communications Commission's (FCC) activities regarding this proceeding and is aware that you must file a waiver request with the FCC by December 4, 1998 if your digital systems cannot transmit 911 TTY signaling.

Lucent Technologies is pursuing a receiver/repeater solution that utilizes the circuit switched data capabilities of our CDMA system. In November, 1998, Lucent presented the results of the receiver-repeater simulation to the Telecommunications Industry Association (TIA) and CDMA Development Group (CDG) where the findings were received with great interest. The contribution has since been forwarded to the Cellular Telecommunications Industry Association (CTIA) TTY Forum for consideration. Lucent's solution requires development of mechanisms to terminate TTY/TDD calls transparently, even when made in-band from wireline TTY devices, as well as new functions to route TTY calls through the CDMA system.

CDMA terminal functionality will also be required to implement this solution. Lucent is working with several vendors to simulate and develop a complete end-to-end solution for TTY compatibility. Based on our current development plan and the ability for a CDMA terminal vendor to provide the necessary terminal equipment for TTY compatibility, Lucent's CDMA system should be ready to support TTY functionality in the second half of 1999.

In the future, we will provide updated information regarding our progress in this matter. If you have additional questions, please feel free to contact Lucent's regulatory attorney, Diane Law Hsu, at (202) 756-7092. She is Lucent's coordinator for customer requests regarding 911 TTY digital wireless compatibility.